

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
NEW ALBANY DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	Cause No. 4:19-cr-24-TWP-VTW-2
)	
ROY BOGARD,)	
)	
Defendant.)	

REPORT AND RECOMMENDATION

On January 27, 2022, the Court held a Video Conference Initial Hearing on the Petition for Warrant or Summons for Offender Under Supervision filed on December 27, 2021 (Docket No. 128). Defendant Roy Bogard appeared with his appointed counsel Jennifer H. Culotta. The government appeared by Lauren Wheatley, Assistant United States Attorney. U. S. Probation appeared by Officer Shallon Watson.

The Court conducted the following procedures in accordance with Fed. R. Crim. P. 32.1(a)(1) and 18 U.S.C. § 3583:

1. The Court advised Mr. Bogard of his rights and provided him with a copy of the petition.
2. Mr. Bogard waived his right to a preliminary hearing.
3. A Final Hearing regarding the Revocation of Supervised Release was set for February 17, 2022 at 1:30 PM.
4. The Revocation hearing set for February 17, 2022 was subsequently continued, on the Government's motion, to March 1, 2022.

5. The parties appeared in person on March 1, 2022 for the Revocation Hearing.
6. At that time, the parties advised the Court they had reached an agreement to resolve the allegations in the Petition.
7. After being placed under oath, Mr. Bogard admitted Violation Number 2.
(Docket No. 128.)
8. The allegations to which Defendant admitted, as fully set forth in the petition, are:

**Violation
Number**

Nature of Noncompliance

- | | |
|----------|---|
| 2 | "The defendant shall not own, possess, or have access to a firearm, ammunition, destructive device or dangerous weapon." |
|----------|---|


During a search that was conducted by the U.S. Probation Department on December 16, 2021, ammunition was discovered in Mr. Bogard's bedroom and was collected and seized by the Jackson County Sheriff's Department.

9. The Government orally moved to withdraw Violation Numbers 1 and 3, and the same was GRANTED.
10. The parties stipulated that:
 - (a) The highest grade of violation is a Grade C violation.
 - (b) Defendant's criminal history category is I.
 - (c) The range of imprisonment applicable upon revocation of supervised release, therefore, is 3 to 9 months' imprisonment.
11. The parties jointly recommended Mr. Bogard be sentenced to 3 months' imprisonment with no term of supervised release to follow.
12. The defendant requested that he be allowed to self-surrender to the U.S. Marshal within 24 hours, and the same was GRANTED.

The Magistrate Judge, having considered the factors in 18 U.S.C. § 3553(a), and as more fully set forth on the record, finds that the Defendant VIOLATED the conditions in the Petition, that his supervised release should be REVOKED, and that he should be sentenced to the custody of the Attorney General or his designee for a period of 3 months with no term of supervised release to follow. **The defendant shall self-surrender to the U.S. Marshal at the New Albany Courthouse on Wednesday, March 2, 2022 at 1:30 PM (Eastern).**

The parties are hereby notified that the District Judge may reconsider any matter assigned to a Magistrate Judge. The parties waived the fourteen-day period to object to the Report and Recommendation.

Dated: 3/1/2022

A handwritten signature in black ink, appearing to read "Van Willis", is written over a horizontal line.

VAN WILLIS
United States Magistrate Judge
Southern District of Indiana

Distribution:

All ECF-registered counsel of record via email generated by the court's ECF system

United States Probation
United States Marshal